

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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9/29/2014

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In re Application of THE COALITION TO PROTECT :
CLIFTON BAY and LOUIS BACON for an Order :
Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for :
Use in Foreign Proceedings. :
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Case No. 14-MC-258

~~[PROPOSED]~~ ORDER TO STRIKE

WHEREAS, Petitioners The Coalition To Protect Clifton Bay (“Save The Bays”) and Louis Bacon (“Mr. Bacon”) (together, “Petitioners”) have filed an action under 28 U.S.C. § 1782 (the “Section 1782 Action”) to take discovery from Respondent Stephen Feralio (“Respondent”), and Nygård International Partnership, Nygård, Inc., and Peter Nygård (collectively, the “Nygård Parties”) seek to intervene in the Section 1782 Action;

WHEREAS, on September 11, 2014, the Court ordered the Parties to meet and confer concerning which documents, if any, should be filed under seal in the Section 1782 Action, and/or filed publicly with redactions;

WHEREAS, the Parties met and conferred and reached agreement with respect to certain documents and proposed redactions, and submitted letters to the Court on September 16, 2014 regarding their disagreements about proposed redactions;

WHEREAS, the Court issued an order on September 17, 2014, granting the parties’ joint request to redact certain filings and denied the Nygård Parties’ requests for additional redactions without Petitioners’ consent;

WHEREAS, following issuance of the Court’s September 17, 2014 Order, the Nygård Parties no longer seek to redact portions of their letter of September 10, 2014 (filed under seal)—

specifically, footnote 12 on page 11 and exhibit B attached to that letter (except for any names of any non-parties to this action, which should remain redacted) -- and Petitioners do not object to the Nygård Parties' request to publicly file those portions of the Nygård Parties' letter;

Now therefore, it is hereby ORDERED that the Nygård Parties' request to file publicly in an unredacted form certain portions of their letter of September 10, 2014 (filed under seal) -- specifically, footnote 12 on page 11 and exhibit B attached to that letter (except for any names of any non-parties to this action, which should remain redacted) -- is GRANTED;

It is hereby further ORDERED that (A) the Clerk of the Court shall immediately strike the following documents from the docket of the Section 1782 Action; (B) the Parties shall publicly file redacted versions of the following documents in accordance with the Court's September 17, 2014 Order; and (C) for each of the following documents, the Parties shall file under seal an unredacted copy of any page of such documents that contains a redaction in the publicly-filed version of that document:

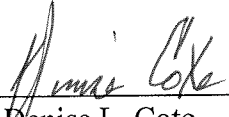
- (1) Petitioner's Memorandum of Law, dated August 13, 2014, Docket No. 2;
- (2) Jenny Afia Declaration, dated August 13, 2014, Docket No. 3;
- (3) Stephen J. Feralio Declaration, dated August 13, 2014, Docket No. 4; and
- (4) Jack Palladino Declaration, dated August 13, 2014, Docket No. 5;

It is hereby further ORDERED that (A) the Parties shall publicly file redacted versions of the following documents in accordance with the Court's September 17, 2014 Order and this Order; and (B) for each of the following documents, the Parties shall file under seal an unredacted copy of any page of such documents that contains a redaction in the publicly-filed version of that document:

- (1) Petitioners' Under Seal Letter of September 5, 2014 and its exhibits; and
- (2) The Nygård Companies' Under Seal Letter of September 10, 2014 and its exhibits.

SO ORDERED.

Dated: September 29, 2014



The Hon. Denise L. Cote
UNITED STATES DISTRICT JUDGE